

REMARKS

In response to the Office Action mailed April 9, 2003, the Applicants submit the below remarks and respectfully request reconsideration of the application, as amended, in light of these remarks. Claims 1-39 are rejected.

The Examiner rejected claims 1-17 and 19-38 under 35 U.S.C. § 102(e) as being anticipated by Lee, et al., (U.S. Patent Application No. 2002/0099649 A1, hereinafter "Lee"). Claims 18 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee, in view of Anderson, et al. (U.S. Patent No. 5,884,289, hereinafter "Anderson"). As discussed below, the pending claims are patentable over the above references.

Applicants submit an inventor's declaration of prior invention under 37 C.F.R. § 1.131, enclosed with this amendment, to overcome Lee. Based on the declaration, Applicants respectfully request the withdrawal of the rejection of claims 1-17 and 19-38 under 35 U.S.C. § 102(e).

With respect to Anderson, it describes a system that facilitates the detection and control of counterfeit debit card fraud. The system alerts issuers of debit cards to undetected multiple debit card fraud conditions by scanning and analyzing cardholder debit fraud information entered by the issuer's employees. The result of this analysis is the possible identification of cardholders who have been defrauded but have not yet realized it, so they are "at risk" of additional fraudulent transactions.

Contrary to the presently claimed invention, the system in Anderson receives information from issuers of debit cards and sends the issuers notifications of the suspect transactions. Accordingly, Anderson does not teach or suggest at least receiving sale

information pertaining to a purchase of a product from a seller, receiving payment information from a buyer, performing automated analysis of the sale information and the payment information, and instructing the seller to send the product to the buyer if the automated analysis does not detect fraud. Thus, Anderson lacks at least the features of the present invention that are included in the following language of claim 1:

- ...receiving sale information pertaining to a purchase of a product from a seller;
- receiving payment information from a buyer;
- performing automated analysis of transaction information including the sale information and the payment information to detect whether the transaction information indicates fraud;
- if the automated analysis does not detect fraud, instructing the seller to send the product to the buyer...

Similar language is also contained in claims 19 and 27. Accordingly, claims 1, 19 and 27, and their corresponding dependent claims are patentable over Anderson.

Thus, Applicants respectfully submit that Applicants' invention as claimed in independent claims 1, 19 and 27 and corresponding dependent claims 2-18, 20-26 and 28-39 is not rendered obvious by the above references, and respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a). Applicants furthermore submit that all pending claims are in condition for allowance, which is earnestly solicited.

If the Examiner determines that the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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